

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

FEB 20 2018

BY D. MARK JONES, CLERK
DEPUTY CLERK

THORNE RESEARCH, INC. and SOFTGEL
FORMULATORS, INC.,

Plaintiffs,

vs.

XYMOGEN, INC.

Defendant.

SPECIAL VERDICT FORM

Case No. 2:13-CV-784 TS

Judge Ted Stewart

1. Do you find that Xymogen has infringed any of the asserted claims of the '888 Patent?

☒ Yes

☒ No

If you answered "yes," please indicate which claim or claims are infringed:

Claim 1 _____

Claim 5 _____

If you answered "yes" to Question 1, please proceed to Question 2. If you answered "no" to Question 1, please proceed to Question 4.

2. What is the amount of damages that will compensate Softgel for Xymogen's infringement?

Total dollar amount: \$ _____

Please proceed to Question 3.

3. Was Xymogen's infringement of the '888 Patent willful?

_____ Yes

_____ No

Please proceed to Question 4.

4. Is any claim of the '888 Patent invalid due to derivation?

 X Yes

 No

If you answered "yes," please state which claim or claims are invalid due to derivation:

Claim 1 X

Claim 5 X

Please Proceed to Question 5.

5. Is any claim of the '888 patent invalid because of improper inventorship?

 X Yes

 No

If you answered "yes," please state which claim or claims are invalid for improper inventorship.

Claim 1 X

Claim 5 X

DATED this 20 day of February, 2018.



Jury Foreperson